REMARKS

Claims 1-18 are pending.

Claims 1-18 are rejected.

Claims 1, 6, and 15 are currently amended.

Objection to the Specification

The abstract of the specification has been objected to for containing the phrase "Disclosed are". The abstract has been amended to remove the phrase "Disclosed are". Accordingly, Applicants respectfully request the objection to the abstract be withdrawn.

Rejection of Claims under 35 U.S.C. § 101

Claims 15-18 stand rejected under 35 U.S.C. 101. The Office Action states that the claimed invention is directed to non-statutory subject matter. Applicants respectfully disagree. Applicants submit that claims 15-18 contain statutory subject matter since the claims as written produce a "useful, concrete and tangible result." *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. For example as claimed, the invention of claims 15-18 relate to an article of manufacture comprising a data storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform method steps for updating microcode of a first device assigned to a first LUN

Serial No.: 10/825,145

including the step of "processing each of said one or more command to update said microcode in said memory." The step of "processing each of said one or more command to update said microcode in said memory" produces a "useful, concrete and tangible result." Moreover, computer software stored on a computer readable medium (computer program product) has been held to be statutory subject matter. *In re Beauregard*, 35 USPQ2d 1383 (Fed. Cir. 1995). Finally, the Office Action states "signals propagating through space, radio waves, infrared signals" of Applicants specification at paragraph [0049] are not statutory subject matter. However, Applicants respectfully disagree.

Accordingly, Applicants respectfully request this rejection be withdrawn.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-3, 5-8, 10, 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kopsaftis, U.S. Patent No. 5,659,801 ("Kopsaftis"), in view of Bolt, U.S. Patent Appl. No. 2002/0144048 ("Bolt"). Applicants respectfully traverse this rejection.

In re claims 1 and 6, the Office Action states Kopsaftis teaches a method including "assigning a first LUN to a first device…said first device receiving one or more commands…said first device obtaining a LUN address from each of said one or more commands…" (*Office Action, paragraph 11).*

As amended, independent claim 1, and generally independent claim 6 recite, *inter alia*, "assigning a second LUN to a memory, wherein said first LUN and said second

LUN are separate...and in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, updating said microcode in said memory using said LUN address assigned to said second LUN by processing each of said one or more commands."

The cited portion of Kopsaftis does not disclose assigning a second LUN to a memory, nor wherein the first LUN and second LUN are separate. Further, Kopsaftis does not disclose in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, *updating said microcode in said memory using said LUN address assigned to said second LUN* by processing each of said one or more commands.

The Office Action states Bolt "teaches of a data transfer LUN for a storage drive and a management configuration LUN for the microbridge controlling the drive" (*Office Action paragraph 11*).

The cited portion of Bolt does not disclose assigning a second LUN to a memory, wherein the first LUN and second LUN are separate. Further, Bolt does not disclose that in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, *updating said microcode in said memory using said LUN address assigned to said second LUN* by processing each of said one or more commands.

The cited portions of Kopsaftis and Bolt, either alone or in combination, do not disclose, assigning a second LUN to a memory, wherein the first LUN and second LUN are separate, and in response to said LUN address obtained from each of said one or more

Serial No.: 10/825,145

commands being equal to said second LUN, *updating said microcode in said memory using said LUN address assigned to said second LUN* by processing each of said one or more commands.

Accordingly, Applicants submit that all of the claim limitations of independent claims 1 and 6 have not been shown by Kopsaftis and Bolt, alone or in combination. Accordingly, Applicants respectfully submit that claims 1 and 6 are allowable for at least this reason over Kopsaftis and Bolt, either alone or in combination.

Claims 2-3, and 5 depend from independent claim 1 and are allowable for at least this reason. Claims 7-8, 10, and 12-14 depend from independent claim 6, and are allowable for at least this reason.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kopsaftis and Bolt in further view of Shirasawa et al., U.S. Patent Appl. No. 2002/0166027 ("Shirasawa").

In re claim 4, Applicants submit above that the combination of Kopsaftis and Bolt fail to teach or suggest all of Applicants claim limitations in, at least, independent claim 1. Accordingly, as claim 4 depends from claim 1, Applicant respectfully submit that all of the claim limitations of claim 4 have not been shown by Kopsaftis and Bolt in view of Shirasawa, alone or in combination. Accordingly, Applicants respectfully submit that claim 4 is allowable for at least this reason over Kopsaftis, Bolt and Shirasawa, either alone or in combination.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kopsaftis and Bolt in further view of Pellegrino et al., U.S. Patent Appl. No. 2004/0225775 ("Pellegrino").

In re claim 9, Applicants submit above that the combination of Kopsaftis and Bolt fail to teach or suggest all of Applicants claim limitations in, at least, independent claim 6. Accordingly, as claim 9 depends from claim 6, Applicant respectfully submit that all of the claim limitations of claim 9 have not been shown by Kopsaftis and Bolt in view of Pellegrino, alone or in combination. Accordingly, Applicants respectfully submit that claim 9 is allowable for at least this reason over Kopsaftis, Bolt and Pellegrino, either alone or in combination.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kopsaftis and Bolt in further view of Abbott et al., U.S. Patent No. 6,205,093 ("Abbott").

In re claim 11, Applicants submit above that the combination of Kopsaftis and Bolt fail to teach or suggest all of Applicants claim limitations in, at least, independent claim 6. Accordingly, as claim 11 depends from claim 6, Applicant respectfully submit that all of the claim limitations of claim 11 have not been shown by Kopsaftis and Bolt in view of Abbott, alone or in combination. Accordingly, Applicants respectfully submit that claim 11 is allowable for at least this reason over Kopsaftis, Bolt and Abbott, either alone or in combination.

Claims 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kopsaftis and Bolt in further view of Burton et al., U.S. Patent No. 6,393,535 ("Burton").

In re claim 15, the Office action states Kopsaftis teaches a method including "assigning a first LUN to a first device...said first device receiving one or more commands...said first device obtaining a LUN address from each of said one or more commands..." (*Office Action, paragraph 27*).

As amended, independent claim 15, recites, *inter alia*, "...a memory assigned to a second LUN, wherein said first LUN and said second LUN are separate...and in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, updating said microcode in said memory using said LUN address assigned to said second LUN by processing each of said one or more commands."

The cited portion of Kopsaftis does not disclose a memory assigned to a second LUN, nor wherein the first LUN and second LUN are separate. Further, Kopsaftis does not disclose in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, *updating said microcode in said memory using said LUN address assigned to said second LUN* by processing each of said one or more commands.

The Office Action states Bolt "teaches of a data transfer LUN for a storage drive and a management configuration LUN for the microbridge controlling the drive" (*Office Action paragraph 11*).

Serial No.: 10/825,145

The cited portion of Bolt does not disclose a memory assigned to a second LUN, wherein the first LUN and second LUN are separate. Further, Bolt does not disclose that in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, *updating said microcode in said memory using said LUN address assigned to said second LUN* by processing each of said one or more commands.

The Office Action states Burton "teaches an article of manufacture comprising a data storage medium tangibly embodying a program of machine-readable instruction executed by a processing apparatus to perform method steps" (*Office Action paragraph 28*).

The cited portion of Burton does not disclose a memory assigned to a second LUN, wherein the first LUN and second LUN are separate. Further, Bolt does not disclose that in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, *updating said microcode in said memory using said LUN address assigned to said second LUN* by processing each of said one or more commands.

The cited portions of Kopsaftis, Bolt, and Burton, either alone or in combination, do not disclose, a memory assigned to a second LUN, wherein the first LUN and second LUN are separate, and in response to said LUN address obtained from each of said one or more commands being equal to said second LUN, *updating said microcode in said memory using said LUN address assigned to said second LUN* by processing each of said one or more commands.

Accordingly, Applicants submit that all of the claim limitations of independent claim 15 have not been shown by Kopsaftis, Bolt, and Burton, alone or in combination. Accordingly, Applicants respectfully submit that claim 15 is allowable for at least this reason over Kopsaftis, Bolt, and Burton either alone or in combination.

Claims 16-17 depend from independent claim 15 and are allowable for at least this reason.
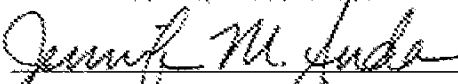
Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kopsaftis, Bolt, and Burton, in further view of Shirasawa.

In re claim 18, Applicants submit above that the combination of Kopsaftis, Bolt and Burton fail to teach or suggest all of Applicants claim limitations in, at least, independent claim 15. Accordingly, as claim 18 depends from claim 15, Applicant respectfully submit that all of the claim limitations of claim 18 have not been shown by Kopsaftis, Bolt, Burton and Shirasawa, alone or in combination. Accordingly, Applicants respectfully submit that claim 18 is allowable for at least this reason over Kopsaftis, Bolt, Burton and Shirasawa, either alone or in combination.
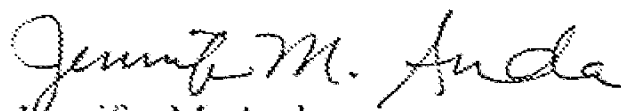
CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at the numbers provided below.

I hereby certify that this correspondence is being transmitted herewith to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Jennifer M. Anda   _9/13/2006_
Patent Agent for Applicants   Date of Signature

Respectfully submitted,

Jennifer M. Anda
Reg. No. 58,436
Phone: (520) 799-2485
Facsimile: (520) 799-5551

14